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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,251	06/17/2008	Harri Mattlar	1034456-000044	4765
21839	7590	10/19/2009	EXAMINER	
BUCHANAN, INGERSOLL & ROONEY PC			KLAUS, LISA NHUNG	
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ALEXANDRIA, VA 22313-1404			ART UNIT	PAPER NUMBER
			2833	
			NOTIFICATION DATE	DELIVERY MODE
			10/19/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/586,251	MATTLAR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	LISA KLAUS	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 July 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6,8 and 10-13 is/are rejected.  
 7) Claim(s) 7,9 and 14-16 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 17 July 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>7/17/06</u> .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Malingowski et al, (US 6,452,470), figure 54.

Malingowski discloses a switching device module comprising:

- a frame 504, the switching device module being adapted to be connected to another switching device module 12, 14 (see figures 34 and 64) for providing a modular switching device, wherein the frame 504 of the switching device module is provided with one or more wire troughs 509, each of which is adapted to receive at least one wire of an auxiliary circuit of said modular switching device.

- Regarding claim 2, Malingowski discloses:

- wherein the frame 504 of the switching device module is substantially in the shape of a rectangular parallelepiped, and the wire troughs 509 are placed inside planes defining the parallelepiped.

- Regarding claims 3 and 12, Malingowski discloses:

- wherein the frame 504 comprises an openable cover part 508, the cover part 508 constituting at least one wall of at least one wire trough 509.

- Regarding claim 4, Malingowski discloses a main shaft element 140, and at least one wire trough 509, whose at least one wall is constituted by the openable cover part 508, is substantially parallel with the main shaft element 140.

- Regarding claim 5, Malingowski discloses wherein the wire trough 509, whose at least one wall is constituted by the openable cover part 508, extends linearly through the frame 508.

- Regarding claim 6, Malingowski discloses:

- at least one wire trough extending substantially perpendicularly relative to the main shaft element.

- Regarding claims 8 and 13, Malingowski discloses the at least one wire trough 509 having one open longitudinal side facing the exterior of the module.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malingowski et al, (US 6,452,470).

3. Regarding claim 10, Malingowski does not disclose the wire of an auxiliary circuit of the switching device is a wire of a fuse monitor of a switch-fuse.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the wire as a wire of a fuse monitor of a switch-fuse for the purpose of suitability for the intended use.

- Regarding claim 11, Malingowski discloses:
  - wherein said wire of an auxiliary circuit of the switching device is a wire of an auxiliary contact.

### **Claim Objection**

Regarding claim 7, the phrase "such as" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

### ***Allowable Subject Matter***

4. Claims 7, 9 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or suggest the switching device module comprising

- Claim 7: the switching device module comprises a cover side and a bottom side, which are substantially parallel and located opposite each other, the bottom side being adapted to be installed adjacent to a wall of an assembly space, and wherein the switching device module comprises at least one wire trough extending substantially perpendicularly relative to the cover side.

- Claim 14: the wire trough having one open longitude side is located on such a side of the switching device module that is adapted to be positioned against an adjacent switching device module.

***Conclusion***

5. Any inquiry concerning this communication should be directed to Lisa Klaus whose telephone number is (571) 272-1993.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lisa Nhung Klaus  
Patent Examiner - Art Unit 2833  
September 22, 2009

*/renees luebke/*

Renee Luebke  
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